

46 Am. Jur. 2d Judges § 110

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Judges

Glenda K. Harnad, J.D.; and Kristina E. Music Biro, J.D., of the staff of the National Legal Research Group, Inc.

IX. Disqualification to Act in Particular Case

B. Grounds for Disqualification

2. Interests as Grounds for Disqualification

b. Particular Interests as Grounds for Disqualification

(4) Other Interests as Disqualifying

§ 110. Judge's political interests or interest in election cases as grounds for disqualification

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West's Key Number Digest

West's Key Number Digest, [Judges](#)  42

A judge is generally disqualified to hear an election case where he or she may be affected by the result of the decision.¹ However, the fact that a judge is a candidate in a primary does not necessarily disqualify the judge from adjudicating matters pertaining to the primary.²

A judge may try a suit to determine a contest in a party club although the judge is a former leader and committee-person of the same party in the same district, at least where he or she has not been active in the particular club.³

Observation:

The Code of Judicial Conduct provides that a judge should disqualify him- or herself if the judge knows or learns by means of a timely motion that a party, a party's lawyer, or the law firm of a party's lawyer has within the specified time period made aggregate contributions to the judge's campaign in an amount that is greater than the specified amount.⁴

Caution:

The Code of Judicial Conduct cautions judges and candidates for judicial office to refrain from political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary, and contains guidelines regarding general political conduct and campaign conduct.⁵

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Footnotes

- 1 [People ex rel. Rusch v. Cunningham](#), 308 Ill. App. 63, 31 N.E.2d 369 (1st Dist. 1941).
As to the disqualification of judges in election contests, see [Am. Jur. 2d, Elections § 396](#).
- 2 [Love v. Wilcox](#), 119 Tex. 256, 28 S.W.2d 515, 70 A.L.R. 1484 (1930).
- 3 [Heights Democratic Club v. Brewer](#), 187 Misc. 616, 61 N.Y.S.2d 755 (Sup 1946).
- 4 [§ 138](#).
- 5 [A.B.A. Code of Judicial Conduct, Canon 4](#).

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